**HON'BLE SRI JUSTICE GODA RAGHURAM**

**W.P.NO. 3662 OF 2006**

**DATED: 31.8.2006**

Between:

Rapolu Govinda Rao

… Petitioner

and

The Special Deputy Collector,
Land Acquisition and others

… Respondents

**HON'BLE SRI JUSTICE GODA RAGHURAM**

**W.P.NO.3662 OF 2006**

**ORAL ORDER:**

The writ petition is filed on an apprehension and on the basis of a rumour, stated to have been generated in the office of the 1st respondent. The petitioner claims to be the owner and to have been in possession of land in an extent of Ac.4.11 ½ guntas in Sy.No.73, Murmur village, Ramagundam Mandal, Karimnagar District.

An extent of Ac.8.23 guntas in Sy.No.73 of the above village, along with other lands, was acquired by the Government of Andhra Pradesh for the purpose of construction of Side Spillway and Dam in respect of the Sripada Sagar Project. The petitioner's land was also notified for acquisition and the petitioner's name figures in the draft notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') and subsequent proceedings. There appear to have been rival claimants to compensation in respect of the land claimed by the petitioner, which was acquired. Consequently, the 1st respondent issued a memo dated 30.1.2006 inviting the petitioner and other claimants to attend an enquiry on 7.2.2006 along with documents and Pattadar Passbooks, evidencing title to their property for the purpose of

determination of the right to compensation. The petitioner claims to have attended the 1st respondent's office on 7.2.2006 whereat the enquiry was held. He asserts that it was rumoured in the office of the 1st respondent that the compensation would be paid to respondents 3 to 6. Therefore, this writ petition seeking a Mandamus to the official respondents to refer his and other competing claims to the Civil Court under Section 30 of the Act, for determination.

It is the established law on authority, precedent and text that the land Acquisition Officer need not refer each and every claim for reference to Civil Court. Only when the Land Acquisition Officer is satisfied as an assessment of his competence and capacity to determine the rival claims that these should be referred to a Civil Court, he may do so. The Officer may determine rival claims on his own. If there is any grievance on such determination, the same could be pursued by the aggrieved before the appropriate forum provided under the Act. The petitioner's grievance leading to this writ petition is merely founded on a rumour said to have been generated in the 1st respondent's office, which does not constitute reasonable foundation for issue of a Writ of Mandamus.

The petitioner pleads:

> *"I submit that though I have filed relevant documents, the same are not being considered and the first respondent has simply adjourned the matter from 7.2.2006 by stating that Respondents No.3 to 6 have produced some revenue records."*

The 1st respondent is not entitled to release compensation and pay the same for the lands acquired, in the context of competing claims

for the same land on record, without determining the competing claims and passing an order determining such disputes as to title to the property. The 1st respondent is obligated to record detailed reasons almost similar in character and content to determinations by the Civil Court, when he determines competing claims for compensation for acquired lands. Only after passing of an order determining such competing claims, is the 1st respondent entitled in law to release the compensation. Any action, contrary to the established process of law, would entail him to severe disciplinary proceedings for negligence, carelessness and recklessness in administering the statutory power of determination.

In the circumstances, and in the light of the above principles of law governing the determination of competing claims by the Land Acquisition Officer, the petitioner's apprehensions urged in this writ petition have no basis. The writ petition is disposed of directing the 1st respondent to pass orders on the claims by the petitioner and others in respect of acquisition of Ac.4.11 ½ guntas in Sy.No.73, Murmur Village, Ramagundam Mandal, Karimnagar District, acquired pursuant to acquisition process for the execution of Side Spillway and Dam in respect of Sripada Sagar Project, Yellampally. The first respondent is also at liberty to refer the competing claims for resolution by the Civil Court under Section 30 of the Act. The 1st respondent shall, if he is himself determining the competing claims, communicate a reasoned decision on the petitioner's claim, to him before proceeding to disburse the compensation amounts in accordance with the decision taken by

the 1st respondent.

The writ petition is disposed of. No costs.

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**GODA RAGHURAM, J**

**Date: 31.8.2006**
cvm